

Opinion No. 35-1228

December 4, 1935

BY: FRANK H. PATTON, Attorney General

TO: B.C. True Trailer & Equipment Co. P.O. Box 352, Panhandle, Texas.

{*89} The State Highway Commission has referred to this office your letter of November 25th. In this letter you ask for an interpretation of a portion of Section 11-843 of the New Mexico Code of 1929, as amended by Section 5 of Chapter {*90} 118 of the Laws of 1933. The particular part of this section under consideration reads as follows:

"No trailers or semi-trailers of a net load capacity exceeding fifteen hundred pounds acquired new after January 1, 1934, and no such trailer after January 1, 1936, shall be operated upon the public roads, highways, or bridges of this state unless equipped with adequate brakes operation on every wheel in contact with the road surface."

The real question arising upon the interpretation of this section is as to what is referred to by the phrase "no such trailer." If this should be interpreted as meaning "no trailer or semi-trailer * * * acquired new after January 1, 1934" the section would be very confusing and would be repetition. We are therefore of the opinion that the phrase should be construed to mean "no trailer or semi-trailer of a net load capacity exceeding fifteen hundred pounds." We believe that this was the obvious intention of the Legislature and such construction would mean that after January 1, 1936, no trailer or semitrailer of a net load capacity exceeding fifteen hundred pounds may be operated in this state without brakes as prescribed in the law regardless of the date of purchase or acquisition of the said trailer or semi-trailer.

By J. R. MODRALL,

Asst. Atty. General